

May 20, 2019

Anna Valencia  
City Clerk  
Room 107, City Hall  
Chicago, IL 60602

Dear Ms. Valencia:

I transmit herewith for filing Executive Order No. 2019-2, which I have signed this date.

Your prompt attention to this matter is appreciated.

Sincerely,

Mayor

## **Executive Order No. 2019-2**

WHEREAS, the City of Chicago should grant permits and licenses and take other departmental actions based solely on the public interest, in accordance with clear, consistently-enforced standards, procedures, and the rule of law; and

WHEREAS, public trust and transparency are paramount to the proper function, administration, and legitimacy of City government; and

WHEREAS, many aldermen can and do provide valuable input to departments, as aldermen should know and understand the needs of their wards and should provide information and advice to City departments to enable those departments to carry out their departmental duties and thereby be more responsive to Chicago residents; and

WHEREAS, the historic practice of allowing “aldermanic prerogative” to influence departmental actions has led to abuse, a source of corruption and mistrust, and thereby undermined the legitimacy of government in the eyes of the public; and

WHEREAS, the abuse of aldermanic prerogative has created unnecessary and, in some instances, illegal hurdles to accessing basic City services; now, therefore,

I, LORI E. LIGHTFOOT, Mayor of the City of Chicago, do hereby order as follows:

### **1. Purpose**

The purpose of this Order is to identify where departments, not required by any law, defer to “aldermanic prerogative” and to direct departments to cease each and every such practice. The Order preserves the critical ability and responsibility of aldermen in their official representative capacity to provide meaningful input and information when relevant to the decision-making practices of City departments. Where it is ambiguous whether the Municipal Code of Chicago requires a department to defer to “aldermanic prerogative,” the Order provides a procedure for the prompt resolution of such ambiguities.

### **2. Definitions**

“Aldermanic input” or “input” means verbal or written information, submitted by an alderman to a department, concerning a factor that is relevant to departmental decision-making.

“Aldermanic prerogative” means the power of an alderman to unilaterally approve, affirm, block, or veto a departmental decision, whether such power is granted or required by the Municipal Code of Chicago or by tradition or custom.

“City department” or “department” means any city department, agency, office, administrative unit, commission, board, advisory committee or other division of the government of the City within or under the official jurisdiction of the executive branch.

“Decision-making” or “decision” means any determination, approval, denial, or other action by a department resulting in the grant or denial of an official application such as a permit or license application.

“Decision-making practice(s)” or “practice(s)” means the method, procedure, or system employed by a department to engage in decision-making.

“Deference” or “defers” means any departmental decision-making practice that permits an alderman to exercise aldermanic prerogative.

“Required by the Municipal Code of Chicago” means a prerequisite made expressly compulsory by the Municipal Code of Chicago, the Building Code, or the Zoning Code.

### **3. Reform Aldermanic Prerogative**

a. As soon as practicable, no department shall defer to aldermanic prerogative in their decision-making practice unless expressly required by the Municipal Code of Chicago. Each department shall update any and all department procedures, practices, and materials to reflect this change no later than 60 days following this Order. Each department shall submit a report describing these changes, as provided in Section 4.c. Nothing in this Order affects department decisions that took effect prior to the date of this Order.

b. Nothing in this Order shall be construed to prevent aldermen from submitting input to departments regarding decision-making.

c. When engaged in decision-making, departments shall consider aldermanic input as an important source of information, but shall not be bound by that input or by any attempt by an alderman to otherwise exercise aldermanic prerogative over decision-making.

d. Whenever a department receives input from an alderman in a decision-making practice that does not require deference to aldermanic prerogative as a matter of law, any such input must be memorialized in writing.

#### **4. Sixty-Day Report**

Sixty days following the date of this Order, each department shall provide a written report to the Mayor describing, in detail, the following:

- a. Any and all historical decision-making practices, identified by the department, in which the department has deferred to aldermanic prerogative as a matter of custom or practice, but which deference is not otherwise required by the Municipal Code of Chicago;
- b. Any decision-making practices in which the departmental deference to aldermanic prerogative is required by the Municipal Code of Chicago;
- c. All steps the department took to enact the mandate of this Order, including but not limited to changes to forms, revisions to instructions for approval, establishment of maximum time periods by which a proposal must be approved or denied, or establishment of fact-based, objective criteria by which decisions should be made;
- d. A description of how the department henceforth receives and considers aldermanic input in its revised decision-making practice; and
- e. Any obstacles or impediments to the prompt implementation of this executive order.

The commissioner or chief executive of the department shall affirm, after careful review, that the contents of the report are true and accurate. If the department is uncertain whether the deference to aldermanic prerogative is required by the Municipal Code of Chicago, the department shall request the assistance of the Department of Law to resolve the uncertainty as soon as possible.

#### **5. Compliance**

Any individual or entity who (i) seeks a decision from a department, and (ii) disputes a department's decision that deference to aldermanic prerogative is required by the Municipal Code of Chicago, may notify the Corporation Counsel, in writing. The Corporation Counsel or a designee shall respond to the individual and the department as soon as possible, but no later than 90 days after receipt of notice. If the Corporation Counsel reaches a different conclusion than the department, the department shall adopt the position of the Corporation Counsel and update its decision-making accordingly.

#### **6. General**

Nothing in this Order shall be construed to create a private right of action to enforce any provision of this Order. Failure to comply with any provision of this Order shall not result in any liability to the City.

7. **Effective Date**

This Order shall take effect upon its execution and filing with the City Clerk.

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Mayor

Received and filed May 20, 2019

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City Clerk